

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No. 201036338
Issue No. 2000
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: October 13, 2010
Office: Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 13, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether Claimant's authorized hearing representative (AHR) is entitled to a decision on an issue that was not ripe at the time of the submission of the hearing request.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On 8/13/08, Claimant applied for MA benefits based on a disability.
2. On 3/4/10, [REDACTED], Claimant's representative, requested a hearing concerning the failure by DHS to make a determination concerning Claimant's MA benefits.
3. On 3/25/10, DHS denied Claimant's MA benefits (Exhibit 1) on the basis that Claimant was not disabled.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The

Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In the present case, Claimant's authorized hearing representative (AHR), [REDACTED], requested a hearing concerning the lack of DHS determination from Claimant's MA benefit request on 8/13/08. DHS established that following the submission of the hearing request that a determination (Exhibit 1) was made by DHS concerning Claimant's MA benefits. The Notice of Case Action (Exhibit 1) dated 3/25/10 verified that DHS denied Claimant's MA benefits due to a failure by Claimant to establish a basis for MA benefits as Claimant did not meet the requirements for being disabled. As DHS has resolved the dispute which led to the filing of the hearing request, the hearing request is appropriately dismissed.

Claimant's AHR contends that they never received notice of the Notice of Case Action regarding the denial of Claimant's MA benefits. The contention of Claimant's AHR concerns an action (or lack of action) which occurred following the submission of the hearing request.

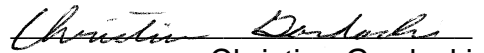
A hearing request provides DHS with notice concerning the issues that Claimant disputes. It is a required document for every MA benefit hearing. BAM 600 at 1. For the undersigned to address an issue not ripe as of the date of the hearing request creates a due process problem for DHS. As such, the undersigned is not inclined to address the issue in this decision. The undersigned might be inclined to consider the issue if it is so closely related to the issue presented within the hearing request so that the issues cannot be separated. The undersigned does not find this to be the present case.

Claimant's AHR may still dispute the lack of notice of the denial of MA benefits in a subsequent hearing request which would presumably also dispute the disability determination made by DHS. This finding creates no additional harm or inconvenience to Claimant's AHR as a subsequent hearing request would still have to be filed to dispute the DHS finding that Claimant is not disabled.

DECISION AND ORDER

Claimant's authorized hearing representative's hearing request is DISMISSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS has resolved the issues that led to the filing of the hearing request dated 3/4/10. The issue as to whether DHS did or did not give Claimant's representative notice of the denial is left for Claimant and/or Claimant's representative to resolve through a subsequent hearing request.

/s/


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 27, 2010

Date Mailed: October 27, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CG/hw

cc:

